

**STATE OF LOUISIANA
DIVISION OF ADMINISTRATIVE LAW
ETHICS ADJUDICATORY BOARD**

BOARD OF ETHICS

*** DOCKET NO. 2021-113-ETHICS-B**

IN THE MATTER OF

G. DENISE DUPREE

*** AGENCY TRACKING NO. 5121-001**

DECISION AND ORDER

G. Denise Dupree knowingly failed to file her supplemental campaign finance disclosure report for the 2019 calendar year, in accordance with La. R.S. 18:1495.4(D)(1), in connection with her 2018 candidacy for the office of Council Member, City of Grambling. The Louisiana Board of Ethics, acting in its capacity as the Supervisory Committee on Campaign Finance Disclosure, is authorized to impose upon G. Denise Dupree an additional civil penalty not to exceed \$10,000.00, as allowed by La. R.S. 18:1505.4(A)(4)(b).

APPEARANCES

An adjudicatory hearing was conducted April 1, 2021, in Baton Rouge, Louisiana, before Panel B of the Ethics Adjudicatory Board (EAB).¹ Charles Reeves appeared as counsel on behalf of the Louisiana Board of Ethics (BOE). Although duly noticed, G. Denise Dupree (Respondent) did not appear for the hearing.²

STATEMENT OF THE CASE

The BOE requested that the EAB conduct an adjudicatory hearing to determine whether Respondent failed to file her 2019 supplemental campaign finance disclosure report as required by

¹ The Panel B of the Ethics Adjudicatory Board consists of Administrative Law Judges Gregory McDonald (presiding), Anthony Russo, and Esther Redmann.

² The hearing notice was mailed by U.S. mail on January 22, 2021, by the Administrative Hearings Clerk for the Division of Administrative Law to G. Denise Dupree at 1971 Martin Luther King Jr. Avenue, Grambling, Louisiana, 71245-2212, and was not returned as undeliverable. This is the same address that the BOE mailed to Respondent its Notice of Late Fee Assessment, discovery requests, and a letter scheduling a Rule 10.1 discovery conference, all by certified mail, return receipt requested, and the receipts were signed and returned. *See* BOE 9, 11, and 12.

La. R.S. 18:1495.4(D)(1), in connection with her November 6, 2018, candidacy for the office of Council Member, City of Grambling, which would subject her to an additional civil penalty not to exceed \$10,000.00, as authorized by La. R.S. 18:1505.4(A)(4)(b).

At the hearing, BOE offered its exhibits, numbered BOE-1 through BOE-14, which were admitted into evidence. Counsel presented the case on behalf of the BOE, the record was closed, and the matter was submitted for decision

This adjudication is conducted in accordance with the Campaign Finance Disclosure Act (CFDA), La. R.S. 18:1481, *et seq.*, the Code of Governmental Ethics, La. R.S. 42:1101, *et seq.*, and the Administrative Procedure Act, La. R.S. 49:950, *et seq.*, and the enabling legislation of the Division of Administrative Law, La. R.S. 49:991, *et seq.*

FINDINGS OF FACT

Respondent was a successful candidate for the office of Council Member, City of Grambling, in the November 6, 2018, election.³ The office of Council Member, City of Grambling is an “any other” level public office.⁴

The BOE is the Supervisory Committee on Campaign Finance Disclosure under the CFDA.⁵ Election candidates, when qualifying at their respective clerks of court, are provided with BOE’s *Schedule of Reporting and Filing Dates for Candidates* (Schedule).⁶ The Schedule informed Respondent that supplemental campaign finance disclosure reports shall be filed by February 15th to disclose a residual deficit or surplus through December 31st of the preceding year.⁷ Specific to the November 6, 2018, election, the Schedule informed Respondent that the 2019

³ BOE-3, p. 2; BOE-4. Respondent admitted, by operation of La. C.C.P. art. 1467(A), that she was a successful candidate for the office of Council Member, City of Grambling. BOE-11.

⁴ See La. R.S. 18:1483(16); La. R.S. 18:1484(2); and BOE-5, p. 2.

⁵ La. R.S. 18:1483(19).

⁶ See BOE-5. The Campaign Finance Disclosure Act, La. R.S. 18:1481, *et seq.*, also provides the same schedule of reports due. See La. R.S. 18:1495.4.

⁷ BOE-5, p. 2.

supplemental campaign finance disclosure report shall be filed by February 18, 2020, to disclose a deficit or surplus.⁸ Upon qualifying to run for office, Respondent also acknowledged that she was subject to the provisions of the CFDA.⁹

On October 7, 2018, Respondent filed her final campaign finance disclosure report, which disclosed a surplus of \$629.49, as of September 27, 2018.¹⁰

On May 8, 2019, Respondent filed her supplemental campaign finance disclosure for calendar year 2018, which showed a surplus of \$36.84, through December 31, 2018.¹¹

Respondent did not file her supplemental campaign finance disclosure report for calendar year 2019, by the February 18, 2020, deadline.¹²

On September 29, 2020, the BOE issued a *Late Fee Assessment Order* to Respondent because she had not filed the 2019 Supplemental Report.¹³ The *Late Fee Assessment Order* (a) assessed a late fee of \$1,000.00 and (b) ordered Respondent to file her supplemental campaign finance disclosure report for calendar year 2019 within 20 days of her receipt of the order.¹⁴ The *Late Fee Assessment Order* was sent by certified mail, return receipt requested, to Respondent at 1971 Martin Luther King Jr. Avenue, Grambling, Louisiana, 71245-2212; the receipt was signed and returned.¹⁵ Respondent was notified in the letter accompanying the *Late Fee Assessment Order* that she could be subject to an additional civil penalty not to exceed \$10,000.00, pursuant to La. R.S. 18:1505.4(A)(4)(b), if she failed to file her supplemental campaign finance disclosure

⁸ BOE-5, p. 1. The statutory deadline of February 15, 2020, fell on a Saturday, and Monday, February 17, 2020, was a holiday. Therefore, the next business day was February 18, 2020.

⁹ BOE-2, p. 3.

¹⁰ BOE-7.

¹¹ BOE-8.

¹² See BOE-10.

¹³ BOE-9.

¹⁴ *Id.*

¹⁵ *Id.*

report for calendar year 2019.¹⁶

On January 7, 2021, the BOE mailed a copy of the *Request for Hearing* to Respondent, with written discovery, including *Requests for Admissions*, propounded to Respondent, by certified mail, return receipt requested, to 1971 Martin Luther King Jr. Avenue, Grambling, Louisiana, 71245-2212, and the return receipt was signed and returned.¹⁷

As of the April 1, 2021, hearing, Respondent had not filed her 2019 supplemental campaign finance disclosure report and had not filed responses to the *Requests for Admissions*.¹⁸

CONCLUSIONS OF LAW

The BOE proved that Respondent knowingly failed to file her supplemental campaign finance disclosure report for calendar year 2019 by February 18, 2020. The BOE is authorized to impose upon Respondent an additional civil penalty not to exceed \$10,000.00, as allowed by La. R.S. 18:1505.4(A)(4)(b).

In hearings under the CFDA before the EAB, the BOE must prove by clear and convincing evidence that the candidate knowingly failed to file or knowingly failed to timely file a required campaign finance disclosure report.¹⁹

Every candidate for an “any other” level public office is required to file certain campaign finance disclosure reports by the statutory deadlines.²⁰ Failure to timely submit required reports constitutes a violation of the CFDA.²¹

La. R.S. 18:1495.4(D)(1) provides that if the final report of a candidate for an election

¹⁶ *Id.* at p. 1.

¹⁷ See BOE-11.

¹⁸ BOE- 14. Respondent admitted, by operation of La. C.C.P. art. 1467(A) that she did not file the 2019 supplemental campaign financial disclosure report.

¹⁹ See La. R.S. 42:1141.5(C). “‘Clear and convincing evidence’, in general, means that the fact of guilt must be proven to a greater degree than by ‘a mere preponderance of the evidence’ but less than by ‘beyond a reasonable doubt.’” *Louisiana State Bar Ass’n v. Edwins*, 329 So. 2d 437, 442 (La. 1976).

²⁰ La. R.S. 18:1495.4.

²¹ La. R.S. 18:1505.1(B).

shows a deficit or surplus, the candidate and his treasurer, if any, shall file supplemental reports with the BOE no later than February 15th each year, which shall be complete through the preceding December 31st. Such report shall be filed each year until a report has been filed which shows no deficit or surplus.²²

Respondent was the successful candidate for the office of Council Member, City of Grambling, which is an “any other” level public office,²³ in the November 6, 2018, election. On October 7, 2018, Respondent filed her final campaign finance disclosure report²⁴ in connection with the November 6, 2018, election, which showed a surplus of \$629.49, as of September 27, 2018.

As a candidate to an “any other” level public office, who filed a final report showing a surplus in connection with the November 6, 2018, election, Respondent was required to file annual supplemental campaign finance disclosure reports until a report was filed that showed no deficit or surplus.²⁵ The supplemental reports were due no later than February 15th, and shall be complete through the preceding December 31st.²⁶

Respondent filed her 2018 supplemental campaign finance disclosure report, which showed a remaining surplus of \$36.84, as of December 31, 2018. Because a surplus remained, Respondent was required to file a 2019 supplemental campaign finance disclosure report. Because February 15, 2020, fell on a Saturday, and Monday, February 17, 2020, was a holiday, Respondent’s 2019 supplemental report was due no later than the next business day, February 18, 2020.

²² La. R.S. 18:1495.4(D)(1).

²³ See La. R.S. 18:1483(16); La. R.S. 18:1484(2); and BOE-5, p. 2.

²⁴ Respondent was required to file this campaign finance disclosure report because she received a contribution in excess of \$200. See La. R.S. 18:1484(2); La. R.S. 18:1495.4.

²⁵ La. R.S. 18:1495.4(D)(1).

²⁶ *Id.*

Respondent did not file her supplemental campaign finance disclosure report for calendar year 2019, by the February 18, 2020, deadline. Respondent has never filed a supplemental campaign finance disclosure report that showed no surplus (or deficit) remained.

Any candidate for “any other” level public office who knowingly fails to timely file a required report may be assessed a civil penalty in the amount of \$40.00 per day, not to exceed \$1,000.00.²⁷ “Knowingly” means conduct which could have been avoided through the exercise of due diligence.²⁸

Respondent knew she was required to file certain campaign finance disclosure reports when she acknowledged she was subject to CFDA upon qualification for candidacy. Respondent was provided the Schedule, which informed her that supplemental reports shall be filed by February 15th to disclose a residual deficit or surplus through December 31st of the preceding year. Respondent filed a 2018 supplemental campaign finance disclosure report. The Schedule informed Respondent that she must file the 2019 supplemental campaign finance disclosure report by February 18, 2020.

On September 29, 2020, the BOE issued a *Late Fee Assessment Order* and assessed a civil penalty in the maximum amount of \$1,000.00, because Respondent knowingly failed to file the 2019 supplemental report. This assessment is not before the EAB. In the letters accompanying the *Late Fee Assessment Order*, the BOE notified Respondent that she could be subject to an additional civil penalty not to exceed \$10,000.00, pursuant to La. R.S. 18:1505.4(A)(4), for failing to file the 2019 supplemental campaign finance disclosure report, and the BOE ordered Respondent to file the 2019 supplemental report within 20 days of receipt of the *Late Fee Assessment Order*. Respondent knew she was obligated to meet the CFDA filing requirements by

²⁷ La. R.S. 18:1505.4(A)(2)(a)(iii).

²⁸ La. R.S. 18:1505.5.

the statutory deadlines and that additional civil penalties not to exceed \$10,000.00, could be imposed if she did not file the 2019 supplemental campaign finance disclosure report. Respondent has not filed a 2019 supplemental campaign finance disclosure report. The BOE proved, by clear and convincing evidence, that Respondent knowingly failed to file her 2019 supplemental campaign finance disclosure report.

Additionally, Respondent's failure to file her supplemental campaign finance disclosure report for calendar year 2019 within three days after the final date for filing creates a rebuttable presumption of intent to not file the report.²⁹ Nothing in evidence rebuts this statutory presumption.

If, after conducting an adjudicatory hearing, the EAB determines that Respondent knowingly failed to file a required campaign finance disclosure report within the applicable time period, then the BOE may impose an additional civil penalty not to exceed \$10,000.00, against Respondent for the report that she failed to timely file.³⁰

The BOE proved by clear and convincing evidence that Respondent, the successful candidate for the "any other" level public office of Council Member, City of Grambling, knowingly violated the CFDA by failing to file her 2019 supplemental campaign finance disclosure report. The BOE, in its capacity as the Supervisory Committee for Campaign Finance Disclosure, is authorized to impose against Respondent an additional civil penalty not to exceed \$10,000.00, for the late report as authorized by La. R.S. 18:1505.4(A)(4)(b).

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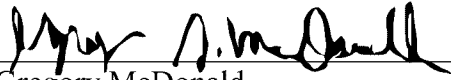
²⁹ La. R.S. 18:1505.1(A).

³⁰ LA. R.S. 18:1505.4(A)(4)(b).


ORDER

IT IS ORDERED that the Louisiana Board of Ethics, in its capacity as the Supervisory Committee on Campaign Finance Disclosure, is authorized to impose an additional civil penalty not to exceed \$10,000.00, against G. Denise Dupree for her failure to file her supplemental campaign finance disclosure report for calendar year 2019.

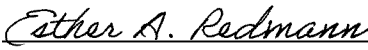
Rendered and signed on May 7, 2021, in Baton Rouge, Louisiana.



Gregory McDonald
Presiding Administrative Law Judge



Anthony J Russo
Administrative Law Judge



Esther A. Redmann
Administrative Law Judge

NOTICE OF TRANSMISSION OF DECISION OR ORDER

I certify that on Friday, May 07, 2021, I have sent a copy of
this decision/order to all parties of this matter.



Division of Administrative Law

REVIEW RIGHTS

This decision exhausts your administrative remedies. If you are dissatisfied with this ruling, you may have the right to seek a rehearing or reconsideration of this decision or order, subject to the grounds for and time limitations provided in Louisiana Revised Statute 49:959 and Louisiana Code of Civil Procedure article 5059. To determine your review rights, you should act promptly and seek legal advice.

To request a rehearing or reconsideration, please send it to one of the addresses indicated below:

EMAIL documents to:
EABprocessing@adminlaw.state.la.us

FAX documents to:
EAB Section Deputy Clerk
(225) 219-9820

MAIL documents to:
DAL – EAB Section
ATTN: EAB Section
P. O. Box 44033
Baton Rouge, LA 70804-4033

If you do not request a rehearing of your decision or your rehearing request is denied, you have the right to seek judicial review in accordance with La. R.S. 49:964, La. R.S. 42:1142(A)(1), and La. C.C.P. art 5059. To determine your review rights, you should act promptly and seek legal advice.